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Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

Work of the Advisory Board on Disarmament Matters

Report of the Secretary-General

Summary

The Secretary-General's Advisory Board on Disarmament Matters held its fifty-fifth session, in New York, from 23 to 25 February 2011, and its fifty-sixth session in Geneva, from 29 June to 1 July 2011. The Board focused its deliberations during both sessions on the following substantive agenda item: issues raised at the high-level meeting, including the possible establishment of a high-level panel of eminent persons with special focus on the functioning of the Conference on Disarmament.

The Board had an in-depth exchange of views on the agenda item. The Board recommended that the Secretary-General should continue to encourage the Conference on Disarmament to seek all efforts in achieving a breakthrough in the continuing impasse. The Secretary-General may also wish to consider encouraging progress on a programme of work for the Conference that facilitates work on the four core issues outlined in the decision reached by the Conference on 29 May 2009 (see CD/1864). The Board recommended that, should a high-level panel of eminent persons be established, the Secretary-General ask the panel, as an urgent task, to make recommendations on the way to revitalize the United Nations disarmament machinery as a whole, especially the Conference. The Secretary-General may also consider the need to establish an institutional link between the Advisory Board and the proposed high-level panel by inviting one or more current or former Board members to be part of the proposed panel. Prior consideration should be given to the financial implications of the establishment of such a panel. The Board also recommended that the Secretary-General should continue to raise public awareness

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and encourage civil society groups and non-governmental organizations to offer their input on ways to overcome the prolonged stalemate at the Conference and move towards the ultimate goal of a world free of nuclear weapons.

As the Board of Trustees for the United Nations Institute for Disarmament Research (UNIDIR), the Board adopted the Institute's 2011 programme and budget and approved, for submission to the General Assembly, the report of the Director of the Institute on its activities from August 2010 to July 2011, as well as the proposed programme of work and budget for 2012 and 2013. The importance of adequate funding for the Institute, in order to maintain its sustainability, was reiterated by members of the Board.

I. Introduction

1. The Advisory Board on Disarmament Matters held its fifty-fifth session in New York, from 23 to 25 February 2011, and its fifty-sixth session in Geneva, from 29 June to 1 July 2011. The present report is submitted pursuant to General Assembly resolution 38/183 O. The report of the Director of the United Nations Institute for Disarmament Research (UNIDIR), approved by the Advisory Board serving as its Board of Trustees, has been submitted in a separate document (A/66/123).

2. Olga Pellicer (Mexico) chaired the two sessions of the Board in 2011.

3. The present report summarizes the Board's deliberations during the two sessions and the specific recommendations it conveyed to the Secretary-General.

II. Substantive discussions and recommendations

A. Issues raised at the high-level meeting, including the possible establishment of a high-level panel of eminent persons with special focus on the functioning of the Conference on Disarmament

4. The Chair's summary of the high-level meeting on "Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations", held on 24 September 2010, stated that the Secretary-General would ask the Advisory Board on Disarmament Matters to undertake a thorough review of the issues raised at the meeting, including the possible establishment of a high-level panel of eminent persons with special focus on the functioning of the Conference on Disarmament and that, based on its recommendations, the Secretary-General would consider further action in that regard. The Secretary-General therefore requested the Board to consider the matter as its main substantive agenda item for its two sessions in 2011.

5. At its fifty-fifth session, four Board members, Carlo Trezza, Adam Rotfeld, Nobuyasu Abe and François Rivasseau, presented food-for-thought papers on the agenda item. At the same meeting, a presentation was provided to the Board by an outside expert, Tim Caughley, Resident Senior Fellow of UNIDIR. Two Board members, Dewi Fortuna Anwar and Desmond Bowen, also provided food-for-thought papers at the fifty-sixth session.

6. The Board stressed that a political solution was required to break the stalemate at the Conference on Disarmament. The lack of political will, rather than the technical difficulties being encountered, was seen as the principal problem faced by the Conference, and it was mentioned that what appeared to be procedural problems were in fact political ones. Changing the method of work of the Conference was not seen as the ultimate solution that would make the body more efficient.

7. Some members stressed that the Conference on Disarmament was a consensus body. Several members stated that it would be difficult to make changes to the consensus rule and that the only way to develop treaties was through consensus. Other members referred to the need for flexibility on consensus in specific cases. It was also emphasized that the Conference should be maintained as a body since it was a valuable forum where States could articulate their positions. A comment was

also made that, in view of the significant changes in the international environment in recent years, considerable changes were required within the Conference in order to accurately reflect the shift in the distribution of power within the global system.

8. There was agreement that a fissile material cut-off treaty was a priority, and the importance of the other core issues, including the peaceful uses of outer space and negative security assurances, were underlined by a number of members. The need to de-link negotiation of a fissile material cut-off treaty from the current technical problems of the Conference was also mentioned. It was stated that a cut-off treaty was an issue related to international security, which was quite different from some of the procedural problems faced by the Conference.

9. While certain Board members stated the need to consider alternative avenues for negotiations, for example the General Assembly or a forum of like-minded States, others commented that any attempts to negotiate a fissile material cut-off treaty outside the Conference on Disarmament would have little chance of success if nuclear-weapon States were not to join in such efforts.

10. Some members suggested the need for intermediate steps prior to negotiating treaties as a means of breaking the deadlock and also for having discussions on issues other than a fissile material cut-off treaty, for example information security or the peaceful uses of outer space. It was mentioned that such partial work or activities could be devised but that any efforts to establish partial norms would be strongly opposed by certain States.

11. Many Board members expressed the need to further engage civil society on disarmament issues, including the involvement of civil society and non-governmental organizations in pressing the Conference on Disarmament to move forward on nuclear disarmament issues.

12. There were also differences of views on the part of some members on whether there was a need for the establishment of a high-level panel of eminent persons and whether such a group would be able to play a significant role. Members stressed the need for discussing a clear mandate for the high-level panel. Different opinions were also expressed over the size and composition of the panel. Some members called for a larger group while others commented that a smaller panel would be more efficient. There was consensus, however, that such a group should have adequate geographical representation as well as expertise in disarmament-related matters.

13. Other noteworthy comments included emphasis by most members on the need to establish an institutional link between the Advisory Board and the possible high-level panel. A comment was also made on the importance of educating Government officials and diplomats in multilateral disarmament issues within the overall context of disarmament education, on which the Board had conducted in-depth discussions in 2010.

14. At its fifty-sixth session, in Geneva, the Board continued its deliberations on the same agenda item. The Board was thus able to have a second in-depth exchange of views on the subject. The Board also attended an informal plenary meeting of the Conference on Disarmament on 30 June 2011.

15. Most members expressed growing frustration over the continuing stalemate at the Conference on Disarmament, that is its inability to move discussions forward.

The Board considered that the root cause of the stagnation could be attributed both to political and procedural problems. Some members stated that the heart of the problem lay with the security concerns of States. The current working methods, including the need for consensus on procedural matters, the practice of linkages, the annual adoption of a programme of work and the limited time given to each presidency, were all cited as being non-productive. One member suggested that the Conference should be encouraged to adopt a simplified programme of work as was the practice during the 1980s and early 1990s.

16. A comment was made that the current impasse in the Conference on Disarmament was nothing new, and it was recalled that it took many years before the Comprehensive Nuclear-Test-Ban Treaty could be negotiated even though it was generally agreed to be an issue that most urgently needed negotiation. It was only after underground nuclear test explosions had become virtually superfluous to the nuclear-weapon States that there had been sufficient political will to begin talks on the Treaty. It was observed that a similar phenomenon was now in play at the Conference, but with a different set of players, and that therefore the institution itself and its working methods could not be solely blamed for the stalemate.

17. Several Board members supported the need for an incremental approach as the most feasible means of breaking the deadlock at the Conference. They also suggested the establishment of scientific or technical groups within the Conference to explore issues related to the four items contained in the above-mentioned decision of the Conference (CD/1864). One member expressed doubt, however, over the usefulness of such technical groups.

18. Some members stated that the regional groupings in the Conference were outdated, hindering cross-regional cooperation as well as the ability of individual Member States to break politically from their groups.

19. A number of noteworthy proposals for moving forward were suggested. One suggestion was that the range of solutions for revitalizing the Conference could be imagined along a continuum, from leaving the Conference to its own devices at one end of the spectrum to very intrusive measures at the other.

20. In connection with the adoption of a fissile material cut-off treaty, as a confidence-building measure one member proposed a similar approach to the six-party talks on the Korean Peninsula in the case of the South Asian region through five-party talks between India, Pakistan, China, the Russian Federation and the United States of America. A number of Board members expressed interest in this proposal.

21. Many members cautioned the Secretary-General against encouraging efforts that seek to move negotiations outside the disarmament machinery of the Organization since it would be contrary to his responsibility to advance the use of United Nations bodies. Concerns were also expressed that if ever the Conference were to be suspended it would be most difficult to revive.

22. The need for convening a fourth special session of the General Assembly devoted to disarmament was again mentioned by some Board members while others emphasized that such a meeting, would require consensus in order to succeed and that convening it would not be productive at this time. It was also pointed out that any attempts at replacing the Conference on Disarmament would have to be done by the General Assembly at a fourth special session.

23. The Board members considered the idea of changing the dynamics between the Conference on Disarmament and the General Assembly by giving the Assembly greater oversight over the Conference. Given the difficulties of internal reform, some members suggested that the Conference needed to be modified through external processes within the United Nations. While a high-level panel of eminent persons could provide recommendations for its revitalization, it was suggested that the only possibility to reform the Conference would have to come from the Assembly.

24. There was a suggestion that the General Assembly be used to enable negotiations on a fissile material cut-off treaty through a parallel process. One Board member pointed out that the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemicals Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty were all negotiated over the objections of at least one State. It was mentioned that, in the past, States objecting to certain treaties had been requested to stand aside, and that the same could possibly be done again in the case of negotiations on a cut-off treaty. Nevertheless, in order to do this, the possibility of negotiating a cut-off treaty would first have to be exhausted within the Conference.

25. A number of Board members also underlined that the decision of the Conference contained in document CD/1864 could be used as a basis for future negotiations. It was also stated that the General Assembly could establish a negotiating body parallel to the Conference. It was stressed, however, that for such an effort to succeed, it would require a strong commitment to the negotiating process on the part of the Secretary-General, as well as the participation of relevant States. It was suggested that it would be important to test the waters first by seeing if the First Committee of the General Assembly would be willing and able to adopt a strong resolution on the revitalization of the Conference at the next session of the Assembly.

26. Members of the Board continued to express differing views on the establishment of a high-level panel of eminent persons. While the creation of such a panel could be valuable, the process was not certain to revitalize the Conference on Disarmament or the multilateral disarmament machinery in general. The risk of a proliferation of consultative bodies and of possible duplication of work was also mentioned.

27. Different opinions were also expressed on the composition of the high-level panel. One member suggested that the Advisory Board itself could act as the panel, and that, if not, at least some of its members should be included. Other members supported the inclusion of at least one or more current or former Board members on the panel. The Board agreed that there should be a link between the Advisory Board and any possible high-level panel. While the Board was considered to be a reservoir of disarmament expertise, many members noted the importance of having a highly visible panel that could draw broader international attention to the issue of revitalization of the Conference on Disarmament. One member suggested the appointment of a special envoy by the Secretary-General who could offer more practical solutions and play a more operational role.

28. Another Board member elaborated that there were three different types of panels that could be considered: (a) a panel composed of qualified individuals who would provide a comprehensive report on the issue; (b) a panel that would be composed of political brokers who could operate behind the scenes to produce

greater yields; and (c) a highly visible panel that could draw significant global attention to the issue of revitalizing the Conference.

29. The Board noted that a number of delegations to the Conference on Disarmament were also supportive of the establishment of a high-level panel of eminent persons. Some Board members expressed reservations, however, about the usefulness of the establishment of such a panel and questioned its ability to achieve any positive results. The Board also noted that the establishment of a high-level panel would have financial implications that would have to be clarified before its establishment. Should the Secretary-General consider that approach to be useful, most members agreed that the Board would concur and fully support the establishment of such a panel.

30. Some members also referred to the need to review the membership of the Conference on Disarmament. Members recalled the importance of opening up the Conference by allowing greater participation by civil society, which could both bring in new ideas and contribute to global awareness of the issues.

B. Recommendations

31. **The Board made the following recommendations:**

(a) **The Secretary-General should persist in encouraging the Conference on Disarmament to seek all efforts to achieve a breakthrough to the continuing impasse. The Secretary-General might also wish to consider encouraging progress on a programme of work for the Conference that facilitates work on the four core issues based on the consensus reached in document CD/1864;**

(b) **Should a high-level panel of eminent persons be established, the Secretary-General should ask the panel, as an urgent task, to make recommendations on ways to revitalize the United Nations disarmament machinery as a whole, especially the Conference on Disarmament. The Secretary-General might also consider the need to establish an institutional link between the Advisory Board and the proposed high-level panel by inviting one or more current or former Board members to be part of the proposed panel. Prior consideration should be given to the financial implications of the establishment of such a panel;**

(c) **The Secretary-General should continue to raise public awareness and encourage civil society groups and non-governmental organizations to offer input on ways to overcome the prolonged stalemate at the Conference on Disarmament and move towards the ultimate goal of a world free of nuclear weapons.**

III. Meeting with the Secretary-General

32. The Board met with the Secretary-General on 24 February 2011. Members of the Board took the opportunity to exchange views with the Secretary-General on ways to revitalize the work of the Conference on Disarmament.

IV. Presentations by civil society/ non-governmental organizations

33. As is customary, the Board heard presentations on issues pertaining to its agenda from representatives of non-governmental organizations. At its fifty-fifty session, Robert Zuber, Director of Global Action to Prevent War and the project for a United Nations Emergency Peace Service, and Zia Mian, research scientist at the Program on Science and Global Security at Princeton University's Woodrow Wilson School of Public and International Affairs and the Deputy Co-Chair of the International Panel on Fissile Materials, provided briefings to the Board.

V. Board of Trustees of the United Nations Institute for Disarmament Research

34. At its fifty-fifth session, the Advisory Board, sitting as the Board of Trustees, received a comprehensive briefing from both the Director and the Deputy Director of UNIDIR on the work of the Institute since the previous session of the Board in July 2010 and on its planned activities for 2011. The Board commended the broad range of research activities carried out by the Institute despite continuing difficulties in raising funds. Suggestions were also made by some Board members with regard to possible areas for future research by the Institute. The importance of adequate funding for the Institute was reiterated in order for it to maintain its independence.

35. The Board formally adopted the Institute proposed programme of work and budget for 2011 (see A/65/177), presented at the Board's fifty-fourth session in Geneva in July 2010, taking into account the comments of the Advisory Committee on Administrative and Budgetary Questions contained in its updated report on the proposed programme of work and budget for 2010-2011 (A/64/7/Add.7).

36. The Board also requested that, at a minimum, the current subvention for UNIDIR be continued in the 2012-2013 biennium. At the same time, it reiterated its recommendation of July 2010 (see A/65/177) "that the subvention level be increased (in addition to being cost adjusted) in the biennium 2012-2013, in order to meet the costs of the Director and the core staff of the Institute". In addition, the Board continued to urge the "Secretary-General to use all the influence at his disposal to secure the increase of the subvention in the regular budget of the United Nations for UNIDIR to, at a minimum, fully fund all core staff costs, as a requisite for providing the stability needed to allow the Institute to pursue the structure and programme of work justified by its vision and mission", as mentioned in the report of the Secretary-General on the work of the Advisory Board on Disarmament Matters of 5 August 2010 (A/65/228, para. 52).

37. At the Board's fifty-sixth session, the Director gave a briefing to Board members on: the development of the programme of work of the Institute for 2011 since the Board's session in February; planned activities for 2012 and beyond; and the Institute's proposed programme of work and budget, including a request for a continuing subvention from the United Nations regular budget and its augmentation, if feasible. A subcommittee on UNIDIR, consisting of five Board members, met prior to the regular session, on 28 June, to review the Institute's programme in detail.

38. After considering the draft report of the Director on the Institute's activities from the period from August 2010 to July 2011 and the programme of work and estimated budget for 2011 and 2012, the Board approved the submission of the Institute's report to the General Assembly and also recommended the continuing subvention from the United Nations regular budget for the biennium 2012-2013.

39. Members of the Board commended the work and research activities carried out by the Institute, and a number of members voiced serious concerns over the increasingly precarious funding situation faced by the Institute. The importance of adequate funding to enable the sustainability of the Institute was reiterated by some Board members.

40. The Board also took note of the considerable risk posed by the reduction in the funding for the post of the Deputy-Director of UNIDIR, noting also that the Deputy-Director has greatly contributed to the work of the Institute. Reduced funding would place a heavy burden on the Institution.

VI. Future work

41. The Board exchanged views on a number of possible issues for discussion at its sessions in 2012, including a broad range of issues such as nuclear-weapon-free zones; the Middle East conference in 2012, as envisaged in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; confidence-building measures related to cyber security; the nuclear security summit in 2012; the arms trade treaty; the implementation of Security Council resolution 1540 (2004); and a reflection of the work of the Advisory Board on Disarmament Matters.

42. Specific topics that were suggested included: (a) follow-up discussions on the issue of the revitalization of the Conference on Disarmament; (b) a review of the arms trade treaty process; and (c) ways to improve the work of the Advisory Board.

Annex

Members of the Advisory Board on Disarmament Matters

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